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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

OSMOSIS LLC, a Colorado Limited
Liability Company,

Plaintiff ,

vs.

BIOREGENERATIVE SCIENCES, INC. a
Nevada Corporation; and NEOGENESIS,
INC., a Nevada Corporation.

Defendants.

Case No.: 2:17-cv-02430-JAD-CWH

**STIPULATION AND [PROPOSED]
ORDER TO EXTEND THE TIME FOR
DEFENDANTS TO RESPOND TO
PLAINTIFF'S MOTION TO STRIKE
DEFENDANTS' AMENDED ANSWER
TO COMPLAINT AND
COUNTERCLAIM AND DISMISS
DEFENDANTS' COUNTERCLAIMS,
OR IN THE ALTERNATIVE, TO
STRIKE COUNTERCLAIM
PARAGRAPHS 49-53 (ECF NO. 32)**

(First Request) ECF No. 38

Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and District of Nevada Local
Rule IA 6-1, Plaintiff Osmosis, LLC ("Plaintiff") and Defendants BioRegenerative Sciences, Inc. and
NeoGenesis, Inc. ("Defendants") state the following:

1 Plaintiff's Motion to Strike Defendants' Amended Answer to Complaint and Counterclaim
2 and Dismiss Defendants' Counterclaims, or in the alternative, to Strike Counterclaim Paragraphs 49-
3 53 (ECF No. 32) (the "Motion") was filed on October 19, 2018.
4

5 Good cause exists for the requested extension of time. The parties have been involved in a
6 series of depositions relative to this case since October 15, 2018. Because of the amount of time
7 required to prepare for, conduct, and defend said depositions, Defendants sought additional time to
8 oppose the Motion. On November 1, 2018, during one of the depositions, the parties specifically
9 agreed to extend the response and reply deadlines for the Motion to November 9, 2018 and
10 November 16, 2018, respectively. The parties further agreed to leave the December 3, 2018 hearing
11 as set by the Court. The parties agreed to the extension in writing on November 2, 2018 through
12 email correspondence.
13

14 Accordingly, Defendants have requested, and Plaintiff has agreed to grant an extension of
15 time up to and including November 9, 2018, to file an opposition to the Motion. Likewise, the
16 parties have agreed to grant an extension of time up to and including November 16, 2018, for
17 Plaintiff to file a reply to the Defendants' opposition.
18

19 Due to inadvertence, a stipulation was not filed with the Court before the Court entered its
20 minute order regarding the same. (ECF No. 37).

21 Furthermore, pursuant to the Court's minute order, Defendants will refile their amended
22 answer and counterclaim as proposed in ECF No. 13-1.

23 In response, Plaintiff intends on filing a motion to dismiss that in sum and substance will be
24 identical to ECF No. 35.
25

26 Accordingly, the parties believe that judicial economy will be best served by vacating the
27 Court's minute order, ECF No. 37, and permitting Defendants up to and including November 9,
28 2018, to file an opposition to the Motion, that Plaintiff shall have up to and including November 16,

2018, to file a reply to the Defendants' opposition, and that the hearing on December 3, 2018 not be vacated.

IT IS SO AGREED AND STIPULATED:

ALVERSON TAYLOR
& SANDERS

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By: /s/ Adam R. Knecht

By: /s/ Dylan T. Ciciliano

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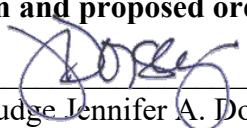
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*Attorneys for Defendants BioRegenerative
Sciences, Inc. and
NeoGenesis, Inc.*

ORDER

Based on the parties' stipulation [ECF No. 38], IT IS HEREBY ORDERED that the Clerk of Court is instructed to **VACATE the minute order at ECF No. 37**. However, the parties' agreement that defendants will file their amended answer and counterclaim as proposed at ECF No. 13-1 changes the judicially economical way to approach this case. Instead of reinstating a motion to dismiss an answer and counterclaim that will be mooted by the filing of the new one, IT IS HEREBY ORDERED that **Defendants have until November 21, 2018, to file their amended answer and counterclaim in the format proposed in ECF No. 13-1**; the Motion to Strike Defendants' Amended Answer to Complaint and Counterclaim and Dismiss Defendants' Counterclaims [ECF Nos. 34, 35] is instead **DENIED as moot**, and **Plaintiff will have 10 days after the filing of the amended answer and counterclaim to file a new motion to dismiss it. The 12/3/18 hearing VACATED by minute order at ECF No. 37 will remain VACATED**, and after the new motion to dismiss is filed, the Court will consider whether a hearing on that new motion is necessitated.

The parties are cautioned that any stipulated extensions of time are ineffective unless and until approved by the court, L.R. 7-1(b), and the court will not vacate further orders based on agreements not memorialized by a filed stipulation and proposed order.



U.S. District Judge Jennifer A. Dorsey
Dated: November 18, 2018